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# REVIEW OF THE STATE OF THE BRITISH NATION.

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Thursday, March 3. 1709.

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**A**ND what do you gather now, say the Opposers of all Relief to the Miserable, from your Scheme of the vast Army of Bankrupts in England? If there be 80000 Insolvents, there are 200000 Thieves, who lie now up and down devouring honest Mens Estates; and you would have all these let go, would you, that they might try the same Trick over again, and worry Trade it self to Death by the innumerable Tricks, Frauds and Shams, in which they have learn'd in those Sanctuaries of Rogues, the Mint and Rules; the more there are, the more need to keep them under the Lash of the Law.

So talk the mad Men of this Age, but calm Reasoning talks quite another Language; Pray, will you hear it a little?

1. It is a vast Number of Families to lie languishing and perishing, bound Hand and Foot from Labour and Industry; in Point of Charity and in Point of Policy, they should be taken into some Management, and their Circumstances made either better or worse.
2. Are they Thieves? — Why then hang them — I am perswaded, there are many of them would sign a Petition to be deliver'd from the horrid Condition they are now in, by the Gallows; Death is not half so terrible, as a lingring, starving Confinement, without Bread or Liberty. Were some of the Creditors but to see, what the Debtors, they have laid up in Prisons, suffer, I can hardly think, their Hearts could

could bear the Sight, and not open the Doors to them.

3. But this is not what I plead for; it is not to be expected, that Charity and Compassion should do this Work, but let us come to Reasoning— Examine the Law, and there I demand Justice for them, and do aver, that in all the Nations of the Earth, it is counted reasonable, and their Laws provide for it; that the Person of the Debtor should not be confin'd for the Payment of his Debt, unless he could be convicted of Fraud, and then he was not confin'd for Payment, but for Punishment; nor has it been the Intent and Meaning of the Laws of *England*, that it should be so here, however Cruelty and Barbarity have prevail'd in these latter Times.

4. I plead for it from the Interest of the Creditor— Do these 80000 Men and their Families live on your Estates, and eat out your Stocks; devour your Properties, and spend your Money— Why do you let them do it? Why do you not take it from them, and turn them going? I dare say, every one of them would consent to an Act, that whoever with-held a Farthing from his Creditors, the Cloaths on his Back excepted, should be hang'd at the Exchange-Gate, provided they might then be Freemen— And I am sure, I would be the last Man should plead for a Reprieve to any Man that would not— Far be it from me, or any honest Man, to plead for Debtors spending their Creditors Estates; let them all be strip'd as naked as you will, give them but Air to breath, and Liberty to work for more: But to call Men Thieves when they eat your Bread, and you will not give them leave to eat their own, is to call yourselves Devils and not Men, Barbarians, not Christians, that are for locking Men up from Labour, and then blaming them for eating your Bread— They ought to eat your Bread; and if they have it not in their own keeping

you ought to send it them, or you are Murtherers, and that's a Degree worse than Thieves— Let the Laws here say what they will, Laws may be unlawful in their Nature, tho' they have the Sanction of the Legislature of the Country— And he that will imprison a Man, when he knows he can neither pay him his Debt, nor feed himself there, is as much a Murtherer in the Sence of GOD's Law, as he that should go and pistol his Debtor in the Dark, would be in the Eye of our Law.

If then you would have your Estates from the Hands of Debtors, why do you not take them? Strip them as naked as you will, and turn them loose, you may certainly have all your Estates out of their Hands, that is, as far as it is in their Hands; for it is no farther they are to be call'd Thieves and Devourers of your Estates— It is the Cruelty of Creditors which makes Debtors Thieves, and keeps the Estate of the Creditor out of their Hand— You'll lay the Guilt lies first on the Debtor, for taking my Estate into his Hands, and I'll allow that to be true, without debating the Exceptions that may lie against it— But if the Debtor see his Error, and testify his Sence of it, by being ready to deliver up all he has left, and make all the Satisfaction to me and the rest of his Creditors, that he can, desiring to reserve nothing but his Liberty, and I will not let him do it; I transfer the rest of the Guilt from the Debtor to myself, and I am the Cause, why the Creditors, who are willing, are not satisfy'd, and why the poor Man lies upon the rest— For Human Nature cannot starve; and if the Creditor will not give him his Hands to work, he must be content he eats up what is in his Possession. And this is the Reason and Foundation of all the Laws in Foreign Countries, and in a Part of our own, wherein Scotland is both more just and more merciful than we are; *VI.* That if a Creditor will confine his Debtor, and the Debtor cannot subsist himself, **THE CREDITOR SHALL**; for the Man must not starve— *Ad what is the Law?*

Language of this Law? But that it is lawful for the Debtor to live on the Creditors Effects all the while he is confin'd, and consequently prevented labouring to subist himself. — I grant this may be carry'd too high, and a conscientious Debtor would live very sparingly on it; but I am speaking of the Justice of the Case, when Things are brought to Extremities.

5. I have one Observation more, to make from the vaste Number of Insolvents, which I have supposed to be in this Nation, and that is, that by this may be seen the fatal Deficiency of all Laws already made for the Ease of poor Debtors, and also the fatal Effects of that implacable Spirit, which reigns so generally in this Nation against unfortunate Tradesmen. I could note here some remarkable Instances of Men, that have been the common Destroyers or the unhappy Devourers of Men and Families, who have by the Wheel of Providence been brought down to the same Misery; but I shall only tell them in short, *they may read their Sin in their Punishment*, let them caution others to avoid the like.

And what Advantage has it been to Creditors? Have the Gentle or the Furious one with another made the best Produce of a Bankrupts Estate? — I wish, you would bear, Gentlemen, to have this examin'd, and I would be glad, any Man would name me a Case, in which I could illustrate this, for the general Instruction with an Impartiality not to the reprobated, some Case in which I am equally a Stranger to both Parties; and with I am better supply'd, I'll take a Case publick enough. — And in which, before I speak of it, I solemnly profess, I am a Person perfectly indifferent, I mean the Case of *PITKIN*, a known Case to all the World, but so happily distant to me in all its Circumstances, that tho' my Acquaintance is none of the least in the World — Yet I have no Manner of Knowledge or Correspondence either on one side or other with Debtor or Creditor.

But I would be glad to hear, in that whole Affair, has Severity and Fury, or a calm Prosecution of the Law, as the Nature of the Thing requir'd, brought the Creditor the greatest Advantage?

When the Bankrupt was seiz'd and brought home, did a calm Capitulation, or a furious and contemptible Mortifying him, bring him to the Discovery of his Estate?

In the Prosecution of his Discovery, did a Treaty and Harkning to Proposals, produce a Payment, or did it not? — And has all the Violence and Fury practis'd since, produc'd one Shilling in the Pound more, or is it likely to do so, or is it not? — I have nothing to do with Persons and Crimes, let every Man answer for his own. — But I am upon the Deficiency of Methods, and I state the Enquiry fair, whether the Severity and Fury of Creditors, or calm and compass'd Listening to the Proposals of the Debtors, and making the best of Things by Treaty; whether, I say, of these Two has brought the most Advantage to the Creditor?

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